

Universal Periodic Review Toolkit

***Working Group on the Human Rights Council**

Preface

The aim of this toolkit is to help users understand the Universal Periodic Review (UPR), and how NGOs can participate and contribute. It consists of:

- **An introduction**
- **An explanation of the UPR and how it will work**
- **A guide to how NGOs can participate, and help make the UPR child-focused**

If you have access to the internet, this version of the toolkit also includes links which open CRIN pages where you can find more information.

Please note, this information is subject to change as the UPR is a new process, and the Office of the High Commissioner for Human Rights (OHCHR) is still adapting its guidelines.

However, you can keep abreast of new developments by visiting CRIN's Human Rights Council news page, and by signing up to HRC CRINMAILs. See also 'further information' below.

Introduction

For a full explanation, visit CRIN's full introductory page to the UPR

The UPR is a new mechanism under which the Human Rights Council will examine the human rights situation in every Member State of the UN. Each State will be examined every four years.

It is hoped the UPR will become the cornerstone of the Human Rights Council. It represents an excellent opportunity for making children's rights central to its work.

UN General Assembly resolution A/RES/60/251: states that the UPR must:

- Be cooperative and involve equal treatment for all States
- Be based on an interactive dialogue (i.e a discussion where everybody has the right to speak)
- Have the full involvement of the country under review
- Be considerate of the country's capacity and needs (i.e development)

- Compliment and not duplicate the work of treaty bodies (such as the Committee on the Rights of the Child)
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How it will work

The review will involve information from:

- **State:** Information provided by the state under review (20 pages or an Oral Report)
- **UN human rights system:** Relevant information from treaty bodies, special rapporteurs, etc., compiled by the OHCHR (10 pages)
- **Stakeholders:** Summary by the OHCHR of information provided by other relevant stakeholders such as national NGOs, National Human Rights Institutions, and international NGOs (10 pages)

= 40 pages

'Intergovernmental' Process

The Universal Periodic Review is an intergovernmental process: This means that States are judging States.

No human rights experts will be involved (unlike for the monitoring of the implementation of the Convention on the Rights of the Child).

The review will be undertaken by a Working Group composed of the Member States of the Human Rights Council and facilitated by a Troika (literally meaning 'three') of three rapporteurs selected by States who will prepare the final report.

As it is an intergovernmental process, there is a risk of political bargaining.

States are affected by their regional groups and alliances, their relationships with other States, publicity, etc.

Fulfilment of human rights obligations and commitments

As stated in Resolution 5/1, a State can be reviewed on the basis of its human rights performance regarding:

1. The United Nations Charter
2. The Universal Declaration of Human Rights
3. Human rights instruments to which a State is party, such as **the Convention on the Rights of the Child**
4. Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council
5. Applicable international humanitarian law

Process of Review

How does the process work?

- All three reports will be considered by the UPR Working Group which is composed of the 47 HRC Member States.
- All UN Member States will be reviewed during a cycle (corresponding to a 4-year period)
- All members of the Council will be reviewed during their terms of membership.
- The Working Group meets 3 times per year for 2 weeks.
- The Review process will be facilitated by a group called a Troika

- 3 hours will be spent on the review of the State
 - This will consist of a discussion between the country under review and the Council Working Group, and other observer States
- Then the Plenary Session of the HRC will spend ½ an hour adopting the final report

What is a Troika?

As explained in Resolution 5/1: *A group of 3 rapporteurs from different Regional Groups, appointed by their governments, will be formed to facilitate the review, including the preparation of the report of the Working Group*

- Each of the 16 States under review during each session of the UPR will have its own Troika
- Troikas will be made up of representatives of Member States.
- Each Troika member will be from a different regional group.
- There are no requirements for who can and cannot be appointed to a Troika. Therefore, it could be a human rights expert...or it could simply be a diplomat, depending on the State's desire.
- The Troika will also prepare the report of the Working Group.

Troikas will prepare questions to be put to the State during the interactive dialogue. So they have considerable power to lead (or not lead) the discussion in a certain direction by either asking, or not asking, questions on children's rights

NGOs will be allowed to attend the three-hour review by the working group. However, in all likelihood they will not be allowed to participate in the dialogue unless the country under review expresses openness to NGO participation.

NGOs may make statements during the Human Rights Council plenary session when the final report on the State is adopted.

What will be the Outcome?

- A report will be produced consisting of
 - a summary of the proceedings of the review process
 - recommendations and/or conclusions
 - voluntary commitments made by the State

 - But before the report is finalised, States may decide which recommendations they are in agreement with and which ones they aren't.
 - Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned, will be noted. Both will be included in the outcome report to be adopted by the Council.
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NGO reporting and participation

****Note:** this information in particular is still subject to change. It is important you keep updated on CRIN's HRC news page: <http://www.crin.org/chr/news/> or on OHCHR's website: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

State Report

The State under review must produce a national report (written or oral) detailing how it has fulfilled its human rights obligations and commitments.

States are "encouraged" to gather their information through a broad consultation process in country with all relevant stakeholders.

However, it is important that NGOs don't automatically assume that the State will engage in consultations with stakeholders.

Therefore, NGOs are encouraged to put pressure on the State to ensure that these broad consultations are held in an inclusive and meaningful manner.

Remember that States can opt to deliver an oral report, or a written report of no more than 20 pages.

Both State reports (where they exist) and the OHCHR summaries of additional information must be received by the Secretariat 6 weeks before the UPR working group session.

Therefore, NGOs will not be able to directly address issues raised in the State reports unless they are submitted early or made public at the national level prior to submission

UN Human Rights System Report

OHCHR will summarise information contained in:

- treaty body reports
- special procedures reports
- observations and comments by the State concerned
- other relevant official UN documents

Note that the Concluding Observations of the Committee on the Rights of the Child and the other Treaty Bodies will already be included in the OHCHR's summary report. It is important not to duplicate this information.

NGO/NHRI Reports

NGO submissions are at the core of the Universal Periodic Review. There is an opportunity for them to provide honest unbiased assessments of the human rights situation in the countries.

Therefore, **your reports are critical.**

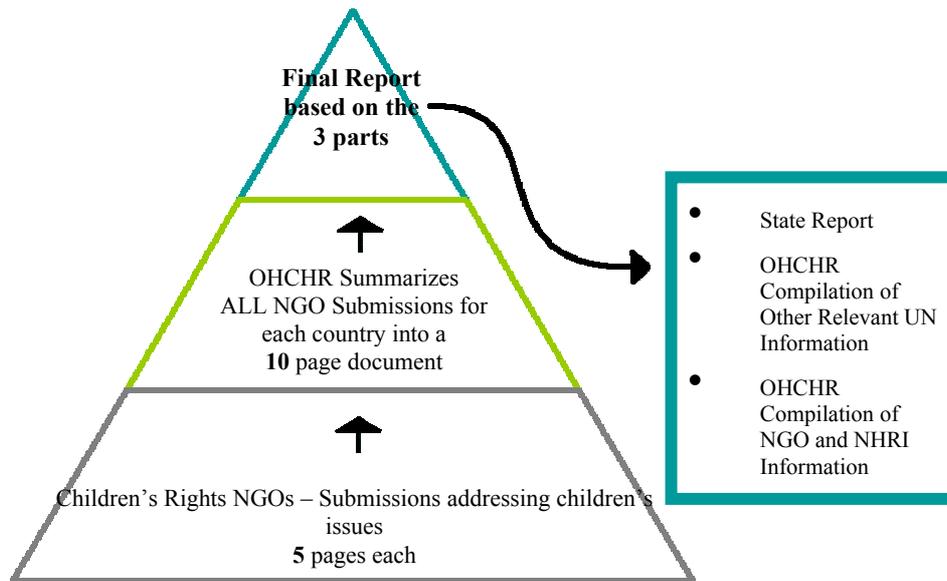
However, it is important for you to understand that information provided by NGOs is **not confidential**. Consequently, all NGOs must weigh the benefits and dangers carefully.

Coordination between smaller and larger international NGOs may be helpful in this respect.

1. Contact NGOs around you that are interested in similar issues. Acquaint them with the UPR process if they have not already heard about it
2. Discuss the issues that you want to be reported on
3. Decide whether it would be best for all NGOs to bring up the same issues, or whether it would be best to split the list of issues between your group of NGOs so that you can cover, in depth, a range of topics

• Local and Geneva-based NGOs should also coordinate in order to decide how best to organise the information and for the best possible advocacy strategies.

How to get Children's Issues Addressed



How should a report be written?

The OHCHR has produced detailed guidelines for UPR submissions by relevant stakeholders such as NGOs and NHRIs. The factors to consider are:

1. Page Limit
2. Focus
3. Time Period
4. Deadline
5. Language

Please note, CRIN has extracted the child rights mentions from UPR report submissions for the first and second sessions. Read them here

You can also find all the reports so far submitted for each UPR session on the OHCHR website:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/search.aspx>

Page limit

NGO submissions must not exceed 5 pages. Annexes and supporting information may be attached for reference, but they may not be read.

It is therefore important that NGOs and NHRIs clearly identify the principle issues they want

the Human Rights Council to raise with the States.

Submissions should either be:

1. Short submissions specifically for the UPR
2. Short summaries with the original reports included in an annex.

Focus

- Your submission should highlight the main human rights concerns for children in your country.
- Make reference to specific human rights instruments and standards.
- Express a sense of urgency and priority in your cited issues.
- Make concrete recommendations for change

Remember that the more NGOs that bring up a certain issue, the more likely the OHCHR is to include it in its summary of information provided by other stakeholders.

NGOs can refer to the CRC conclusions to see what kinds of issues are important in the country. Remember, though, that the OHCHR will be summarising treaty body reports already, so do not duplicate what will already be done.

Time Period

- The Universal Periodic Review is scheduled to occur every 4 years for each UN Member State.
- Therefore, all actors submitting information to be reviewed (States, OHCHR, NGOs) should limit the scope of their submissions to the previous 4 years.

Deadline

- Information on deadlines can be found on the OHCHR website closer to the date.
- In general though, NGO submissions must be submitted 3 – 4 months prior to the Working Group session.
- However, precise deadlines will be made available on the website, and it is best that you abide by these deadlines.

In the event that your NGO needs an extension to the deadline, there can be some flexibility if OHCHR is given proper warning.

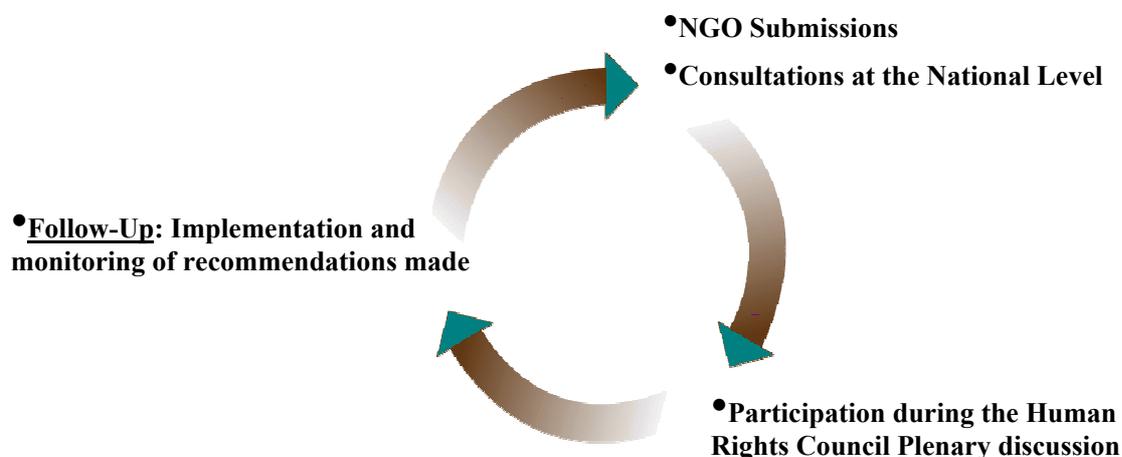
Language

- Submissions may be written in all of the official United Nations languages:
 - Chinese, - Russian, - French, - English, - Spanish, - Arabic
- However, the OHCHR has expressed a preference for English, French and Spanish.

Participation beyond Submissions

- UPR Working Group
 - Influence the possible questions to be asked by the HRC Member States by providing their Geneva representatives with written and/or oral information
- Participation in the UPR plenary
 - During the Human Rights Council plenary session NGOs can make statements and pose questions to the States under review
- Involvement in the Follow-Up
 - Convene a meeting to discuss among child rights NGOs the relevance that the outcome had for children's rights.
 - Establish a strategy for your NGOs to monitor the implementation of the final UPR recommendations
 - Monitor the involvement of a children's ombudsman in the follow-up, where this is relevant (as not all countries have one)
- Ensure the active and meaningful participation of children in the discussion (as well as preparation) of reports.

Opportunities for NGO Participation



Find your country, and prepare for its Review

1 (2008)	2 (2008)	3 (2008)	4 (2009)	5 (2009)	6 (2009)	7 (2010)	8 (2010)	9 (2010)	10 (2011)	11 (2011)	12 (2011)
Morocco	Gabon	Botswana	Cameroon	CAR	Cote d'Ivoire	Angola	Guinea	Liberia	Mozambique	Seychelles	Swaziland
South Africa	Ghana	Burkina Faso	Djibouti	Chad	DRC	Egypt	Guinea-Bissau	Libyan Arab Jamahiriya	Namibia	Sierra Leone	Togo
Tunisia	Mali	Burundi	Mauritius	Comoros	Equatorial Guinea	Madagascar	Kenya	Malawi	Niger	Somalia	Uganda
Algeria	Zambia	Cape Verde	Nigeria	Congo	Eritrea	Gambia	Lesotho	Mauritania	Rwanda	Sudan	Tanzania
Bahrain	Benin	Turkmenistan	Senegal	Vanuatu	Ethiopia	Qatar	Kiribati	Lebanon	Sao Tome and Principe	Palau	Zimbabwe
India	Japan	Tuvalu	Bangladesh	Viet Nam	Bhutan	Fiji	Kuwait	Maldives	Myanmar	Papua New Guinea	Syria
Indonesia	Pakistan	United Arab Emirates	China	Yemen	Brunei	Iran	Kyrgyzstan	Marshall Islands	Nauru	Samoa	Tajikistan
Philippines	Republic of Korea	Uzbekistan	Jordan	Afghanistan	Cambodia	Iraq	Laos	Micronesia	Nepal	Singapore	Thailand
Argentina	Sri Lanka	Colombia	Malaysia	Uruguay	Cyprus	Kazakhstan	Grenada	Mongolia	Oman	Solomon Islands	Timore Leste
Ecuador	Tonga	Bahamas	Saudi Arabia	Belize	Korea	Bolivia	Guyana	Honduras	Paraguay	Saint Vincent / Grenadines	Trinidad & Tobago
Brazil	Guatemala	Barbados	Cuba	Chile	Costa Rica	Nicaragua	Haiti	Jamaica	Saint Kitts and Nevis	Suriname	Venezuela
Netherlands	Peru	Israel	Mexico	Malta	Dominica	El Salvador	Spain	Panama	Saint Lucia	Belgium	Antigua & Barbuda
Finland	France	Liechtenstein	Canada	Monaco	Dominican Republic	Italy	Sweden	USA	Australia	Denmark	Iceland
UK	CH	Luxembourg	Germany	New Zealand	Norway	San Marino	Turkey	Andorra	Austria	Greece	Ireland
Poland	Romania	Montenegro	Russia	Slovakia	Portugal	Slovenia	Armenia	Bulgaria	Estonia	Hungary	Lithuania
Czech Republic	Ukraine	Serbia	Azerbaijan	Yugoslav Macedonia	Albania	Bosnia / Herzegovina	Belarus	Croatia	Georgia	Latvia	Moldova

Further information

- Visit CRIN's **Human Rights Council (HRC) news** page: <http://www.crin.org/chr/news/>
- Sign up to **HRC CRINMAILS**: <http://www.crin.org/email/subscribe.asp>
- CRIN's **media toolkit**: <http://www.crin.org/resources/infoDetail.asp?ID=15268&flag=report>
- Confused by the jargon? Visit CRIN's **A to Z of child rights**
- OHCHR page on the Universal Periodic Review, including **all the submitted reports**:
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

For more information about the Subgroup for the Human Rights Council, contact:

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Visit: <http://www.crin.org/docs/resources/publications/NGOCRC/subgroup-CHR.asp>

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